

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-99

December 13, 2000

BANGOR HYDRO-ELECTRIC COMPANY
Request for Waiver of Requirements of
Chapters 305, 322 and 323

ORDER EXTENDING
WAIVER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

Through this Order, we extend Bangor-Hydro Electric Company's (BHE) waiver of certain provisions of Chapter 323 of our rules (Electronic Business Transaction Standards).

II. BACKGROUND

On February 2, 2000, BHE filed a request for waivers from several provisions of our restructuring rules. These requests resulted from BHE's inability to utilize certain billing functionalities when retail access began on March 1, 2000. Specifically, BHE requested waivers from the following provisions of our rules:

- Chapter 305 § 4(H)(1) and (4): Generation Service Bill Contents
- Chapter 323: Use of Electronic Data Interchange (EDI)

BHE stated its expectation that it would no longer need the waivers after mid-year 2000.

On March 1, 2000, we granted BHE's request, stating that the waivers were unavoidable and temporary in nature. We stated that the waivers would be effective until June 30, 2000.

On June 14, 2000, BHE filed for an extension of the waivers, stating that it needed additional time to complete the changes to its computer system necessary for compliance with Commission rules. BHE requested an extension of the generation bill content requirements until October 31, 2000 and the EDI requirements until December 31, 2000.

On July 18, 2000, we extended the waivers for the time periods requested by BHE, noting our premise that further extensions would not be necessary.

On November 21, 2000, BHE filed a request for an extension of the Chapter 323 waiver, stating that it will be unable to comply with the rule by the December 31, 2000.¹ BHE explained that the process of coding, testing, and debugging the code has proven to be much more complex, more highly iterative, and thus extremely more time consuming than either BHE or its vendor first envisioned. BHE stated that its current estimate to complete the project is mid-2001.

III. DECISION

We remain concerned about the substantial delay BHE has experienced in developing its systems to comply with our electronic data interchange rule. BHE has been able to perform its restructuring business transactions through extensive manual work arounds. To date, this has been possible because of the relatively low competitive provider activity in the BHE service territory. However, the level of provider activity could change in the near future. We expect BHE to take every step necessary to continue to transfer information with providers in an efficient manner pending project completion even if provider activity increases.

Because BHE requires additional time to complete the systems work necessary to comply with the EDI requirements, we hereby extend the Chapter 323 waiver. We require BHE to inform us when its systems are in compliance or to file a status report by June 1, 2001 if it is not in compliance by that date.

Dated at Augusta, Maine, this 13th day of December, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond

COMMISSIONER ABSENT: Nugent

¹ BHE did report that its billing system was in compliance with Chapter 301 by the October 31, 2000 deadline.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.